

**BOARD OF APPEALS  
for  
MONTGOMERY COUNTY**

Stella B. Werner Council Office Building  
100 Maryland Avenue  
Rockville, Maryland 20850  
(240) 777-6600

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**Case No. S-2593**

**PETITION OF DANNETTE D. SLOAN**

OPINION OF THE BOARD

(Opinion adopted January 11, 2006)

(Effective Date of Opinion: February 9, 2006)

Case No. S-2593 is an application for a special exception pursuant to Section 59-G-2.29 of the Zoning Ordinance to permit a Home Occupation, Major (beauty salon): (1) The salon will operate four days a week and serve 37 to 50 clients per week, or 8 to 13 clients on each of the four days, all by appointment only; (2) Hours of operation will be: Wednesday 10 a.m. to 5 p.m.; Thursday and Friday 10 a.m. to 6 p.m.; Saturday 8:30 a.m. to 2 p.m; (3) The salon is operated by the Petitioner and two non-resident employees: a manicurist and a shampoo person; (4) Parking is accommodated by the Petitioner's driveway, which is 20 feet by 52 feet, and on Kayson Street and Foxhall Drive. The Petitioner also requested a waiver of the parking screening requirements of Section 59-E-2.83(c) of the Montgomery County Code.

The Hearing Examiner for Montgomery County held a hearing on the application on October 21, 2005, closed the record in the case on December 5, 2005, and on December 15, 2005 issued a Report and Recommendation for approval of the special exception.

The subject property is Lot 1, Block 4, Foxhall Subdivision, located at 13124 Foxhall Drive, Silver Spring, Maryland 20906, in the R-90 Zone.

Decision of the Board:

Special Exception **Granted** Subject  
To Conditions Enumerated Below.

The Board of Appeals considered the Hearing Examiner's Report and Recommendation at its Worksession on January 11, 2006. The Board also had before it a request for Oral Argument on the Report and Recommendation from

Craig Long. After careful consideration and a review of the record in the case, the Board finds that the Hearing Examiner compiled a thorough and complete record, which addresses the issues in Mr. Long's request for Oral Argument to the Board's satisfaction. The Board, therefore, denies the request for oral argument, adopts the Report and Recommendation and grants the special exception and parking waiver, subject to the following conditions:

1. The Petitioner shall be bound by all of her testimony and exhibits of record, and by the testimony of her witnesses and representations of counsel identified in this report.
2. The enforceable Site Plan for this special exception shall be Exhibit 6(b), labeled "Natural Resources Inventory/Forest Stand Delineation."
3. The total floor area for the major home occupation is limited to 522 square feet of area in the ground floor of the dwelling.
4. The Home Occupation Beauty Salon shall be limited to a maximum of 32 clients per week and a maximum of 8 clients per day with a maximum of two nonresident staff.
5. Appointment shall be staggered so that no more than three clients shall be present at the subject beauty salon at any given time.
6. Days and Hours of operation for the beauty salon shall be Wednesday 10:00 a.m. to 5:00 p.m., Thursday and Friday 10:00 a.m. to 6:00 p.m. and Saturday 8:30 a.m. to 2:00 p.m.
7. The beauty salon's clients shall be seen by appointment only and listed in an appointment and log book, which also logs times of actual arrival. This appointment and log book must be available for inspection upon request by appropriate county officials.
8. There must be no sign except as required by state or county regulation.
9. No goods or commodities shall be sold on the premises, nor may such goods be stored or displayed. Items used in providing service as a beauty parlor may be kept on the premises.
10. Clients' parking shall be limited to the Petitioner's driveway. The Petitioner must orally inform her clients and post a sign in her waiting room advising clients that they must park in her driveway, not in the street. She must also keep a record of the license tags of her clients' cars for enforcement purposes. In general, clients should access the beauty parlor by using the flagstone path leading from the driveway to the south side of the house, but disabled and/or elderly clients may be dropped off on Kayson Street so that they can directly access the west side yard from the concrete walk on the Kayson Street (*i.e.*, north) side of the house, since that is the shortest and easiest access to the beauty parlor.

11. Equipment and facilities in the beauty salon are limited to that which is listed in Petitioner's "List of Equipment," Exhibit 100(b), or their replacements. It is repeated below:
  - 3 Styling Stations (1 Used for Waxing Only)
  - 3 Styling Chairs
  - 4 Hood Dryer Chairs
  - 1 Portable Dryer on Wheels
  - 4 Chairs for Waiting
  - 2 Shampoo Bowls, and
  - 2 Shampoo Chairs that Recline

Although Petitioner does not specifically mention small items such as combs, scissors, brushes, curlers, hand-held hair dryers and hand mirrors, such items are also permitted as the normal accoutrements of styling and waxing stations.

12. Petitioner must repair the broken handle on the gate to her fence located on the Foxhall Drive side of her home within 10 days after final approval of this special exception.
13. Petitioner must immediately relinquish her registered home occupation Certificate No. 208259, upon final approval of this special exception.
14. Petitioner must obtain and satisfy the requirements of all licenses and permits, including but not limited to building permits and use and occupancy permits, necessary to occupy the special exception premises and operate the special exception as granted herein. Petitioner shall at all times ensure that the special exception use and premises comply with all applicable codes (including but not limited to building, life safety and handicapped accessibility requirements), regulations, directives and other governmental requirements.
15. A special exception for a major home occupation is granted for a two-year period and the special exception may be renewed if it is operated in compliance with the findings and conditions of the Board in the initial grant and satisfies the compliance procedures specified by Zoning Ordinance §59-G-1.3.
16. The special exception is granted for a period of one year from the effective date of this opinion. The Board of Appeals will hold a status hearing on the special exception at the end of that year. Renewal of the special exception will be subject to the outcome of the hearing.

On a motion by Caryn L. Hines, seconded by Donna L. Barron with Angelo M. Caputo, Wendell M. Holloway and Allison Ishihara Fultz, Chair, in agreement, the Board adopts the following Resolution:

**BE IT RESOLVED** by the Board of Appeals for Montgomery County, Maryland that the opinion stated above is adopted as the Resolution required by law as its decision on the above-entitled petition.

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Allison Ishihara Fultz  
Chair, Montgomery County Board of Appeals

Entered in the Opinion Book  
of the Board of Appeals for  
Montgomery County, Maryland  
this 9<sup>th</sup> day of February, 2006.

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Katherine Freeman  
Executive Director

**NOTE:**

Any request for rehearing or reconsideration must be filed within fifteen (15) days after the date the Opinion is mailed and entered in the Opinion Book (See Section 59-A-4.63 of the County Code). Please see the Board's Rules of Procedure for specific instructions for requesting reconsideration.

Any decision by the County Board of Appeals may, within thirty (30) days after the decision is rendered, be appealed by any person aggrieved by the decision of the Board and a party to the proceeding before it, to the Circuit Court for Montgomery County, in accordance with the Maryland Rules of Procedure.